IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 10840 of 2005

Between:

Chirala Bapaiah Panthulu, S/o.Deekshithulu
R/o.Kamarajupeta Village, Gokavaram Mandal, E.G.District.

..... PETITIONER

AND

1 The Government of A.P. rep. by its Secretary
Social Welfare Department,Secretairat, Hyderabad.
2 The Addl.Agent to the Government E.G.District at Rampachodavaram.
3 The Special Deputy Collector (TW) Ramachodavaram, East Godavari

District.
4 The Mandal Revenue Officer Gangavaram (M) E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 4.63 acres in Sy.No.70 and 72/2, of Yamanapalli Village, Gangavaram Mandal, E.G.District in pursuance of the order passed by the2nd respondent in C.M.A. No.42/2004, Dt.19.2.2005 pending disposal of the revision filed before the 1st respondent as illegal, arbitrary and unjust and consequently declare the action of the respondents in assigning the land owned by me mentioned above in favour of the Tribals as illegal, arbitrary and contrary to the Rules under A.P.Scheduled Area Land Transfer Rules.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land of an extent of 4.63 acres in Survey No.70 and 72/2 of Yamanapalli village, Gangavaram Mandal, East Godavari District in pursuance of the order passed by the second respondent in C.M.A.No.42 of 2004 dated 19.02.2005 pending disposal of the revision by the first respondent as illegal and arbitrary.

According to the petitioner, the Special Deputy Collector, the third respondent herein, initiated proceedings under the A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulations') and passed eviction order on the ground that the petitioner being a non-tribal was in possession of the land in contravention of the provisions of the Regulations. The said order was assailed before the second respondent in appeal, which was dismissed confirming the order of the third respondent. Further revision was also filed before the first respondent and the same is pending. According to the petitioner, though his revision is pending, the respondents evicted him from the land and now they are proposing to assign the land in question to third parties. If third party interests are allowed, it would cause serious hardship to the petitioner and it would also difficult to

get back the land even if the petitioner succeeds in the revision.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

As it is stated that a revision was filed on 28.03.2005 before the first respondent and the same is still pending, the respondents are directed not to assign the land in question in favour of third parties, if not already assigned, pending disposal of the revision by the first respondent. The first respondent is directed to dispose of the revision filed by the petitioner expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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08.06.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1 The Secretary, Government of A.P.,
Social Welfare Department,Secretairat, Hyderabad.
2 The Addl.Agent to the Government E.G.District at Rampachodavaram.
3 The Special Deputy Collector (TW) Ramachodavaram, East Godavari

District.
4 The Mandal Revenue Officer Gangavaram (M) E.G.District.

5 2CCs to the Government Pleader Social Welfare,

High Court Buildings, Hyderabad. (OUT)

6 2CD copies.